The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board

## UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES	S
	MAILED
Ex parte HAMID RABIE, HIDAAT HUSAIN and HENRY BEHMANN	JUN 2 1 2006 U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES
Application No. 09/425,234	
ORDER RETURNING UNDOCKETED APPEAL TO EX	AMINER

This application was received at the Board of Patent Appeals and Interferences on June 8, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed three (3) Terminal Disclaimers dated June 10, 2002, June 19, 2002 and October 12, 2002. It is not clear from the record that the Terminal Disclaimers were considered by the examiner. A written communication notifying appellant of the examiner's consideration of the above-identified Terminal Disclaimers.

## **CONCLUSION**

Accordingly, it is

**ORDERED** that the application is returned to the examiner for:

- 1. Consideration of the Terminal Disclaimers dated June 10, 2002, June 19, 2002 and October 12, 2002, and
  - 2. For any further action as deemed approprite.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS AND INTERFERENCES

DALE M. SHAW

DEPUTY CHIEF APPEAL ADMINISTRATOR

(571)272-9797

DMS/dpv

## Application No. 09/425,234

Bereskin and Parr 40 King Street West Box 401 Toronto ON M5H 3Y2 CA CANADA